

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, July 23, 2013, 7:00 PM  
Large Court Room – City Hall

**PRESENT:**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Colette George  
Vice-Mayor Mike McIntire

Alderman Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Girl Scout Victoria Stamper.
- II.B. **INVOCATION:** Richard Dice, Pastor – Christ Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
  - 1. Girl Scout Bronze Award – Victoria Stamper was presented a proclamation from the Mayor for her Domtar Park project that earned her this award.
  - 2. Keep Kingsport Beautiful Beautification Awards – Robin Cleary.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/McIntire, to approve minutes for the following meetings:

- A. July 8, 2013 Regular Work Session
- B. July 9, 2013 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

- 1. **Public Hearing and Consideration of Ordinance to Amend Zoning of Parcels 19, 20, 22, 23, 24, 24, 25, 26, 27, 28, 28, 29, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48, Tax Maps 45B and 45G, located off Brookhaven Drive in the 12<sup>th</sup> Civil District of Sullivan County (AF: 209-2013).** City Planner Ken Weems presented this item.

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**PUBLIC COMMENT ON ITEM VI.AA.1. None.**

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BROOKHAVEN DRIVE TO R-1C, RESIDENTIAL DISTRICT IN THE 12<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of a Budget Ordinance Appropriating Available Funds to SW1400 and a Resolution to Enter into a Professional Services Contract with Gresham, Smith, & Partners for Design of "Reedy Creek Trunk Sewer Improvements" and Authorize the Mayor to Sign All Applicable Documents (AF: 195-2013).** Public Works Director Ryan McReynolds presented information on this item, summarizing the details of this project. He commented on the capacity assurance model and the identification of weak areas in the system.

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BY TRANSFERRING FUNDS FOR THE REEDY CREEK TRUNK LINE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2014-019,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GRESHAM, SMITH & PARTNERS FOR DESIGN OF REEDY CREEK TRUNK SEWER IMPROVEMENTS AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the Bennett Annexation (AF: 178-2013).**

Motion/Second: McIntire/Shupe, to pass:

**ORDINANCE NO. 6332,** AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF

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KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BENNETT ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Clark, to pass:

**ORDINANCE NO. 6333**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MEMORIAL BOULEVARD B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the Shadyside Drive Annexation (AF: 194-2013).**

Motion/Second: Shupe/McIntire, to pass:

**ORDINANCE NO. 6334**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE SHADYSIDE DRIVE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Parham, to pass:

**ORDINANCE NO. 6335**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG SHADYSIDE DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 13<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance Establishing the FY14 Tax Rate for City of Kingsport Sullivan County and City of Kingsport Hawkins County (AF: 190-2013).**

Motion/Second: George/Clark, to pass:

**ORDINANCE NO. 6336**, AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSPORT, SULLIVAN COUNTY AND THE CITY OF KINGSPORT, HAWKINS

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COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute a License Agreement with the Tennessee Department of Environment and Conservation for Its Access to an Air Monitoring Station (AF: 191-2013).**

Motion/Second: Clark/Segelhorst, to pass:

**Resolution No. 2014-020**, A RESOLUTION APPROVING A LICENSE AGREEMENT WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE AGREEMENT, IF NEEDED

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute an Amendment to the Contract Between the City of Kingsport and the Tennessee Department of Environment and Conservation (TDEC) (AF: 206-2013).**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2014-021**, A RESOLUTION APPROVING AN AMENDMENT TO THE "CONTRACT IN LIEU OF A PERFORMANCE BOND" WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION INCREASING THE AMOUNT OF FINANCIAL ASSURANCE FOR THE LANDFILL; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT OR THIS RESOLUTION

Passed: All present voting "aye."

**3. Consideration of a Detailed Bond Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds in an Amount Not to Exceed \$28,900,000 (AF: 203-2013). No action was taken on this item.**

Motion/Second: Parham/Clark, to defer:

RESOLUTION AUTHORIZING THE EXECUTION, TERMS, ISSUANCE, SALE, AND PAYMENT OF NOT TO EXCEED \$28,900,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, IN ONE OR MORE SERIES, OF THE CITY OF KINGSFORT, TENNESSEE, AND PROVIDING THE DETAILS THEREOF

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**4. Consideration of Detailed Bond Resolution Authorizing the Issuance of General Obligation Bonds in an Amount Not to Exceed \$1,330,000 (AF: 202-2013).** No action was taken on this item.

Motion/Second: Parham/Clark, to defer:

RESOLUTION AUTHORIZING THE EXECUTION, TERMS, ISSUANCE, SALE, AND PAYMENT OF NOT TO EXCEED \$1,330,000 GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, OF THE CITY OF KINGSFORT, TENNESSEE, AND PROVIDING THE DETAILS THEREOF

**5. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Gordon Food Service and Authorizing the Mayor to Sign All Applicable Documents (AF: 208-2013).**

Motion/Second: George/Shupe, to pass:

**Resolution No. 2014-022,** A RESOLUTION RENEWING AN AGREEMENT WITH GORDON FOOD SERVICE FOR FISCAL YEAR 2014 FOR USE BY THE CITY OF KINGSFORT SCHOOL AND NUTRITION PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**6. Consideration of a Resolution Applying for the State Industrial Access Program with the Tennessee Department of Transportation and Authorizing the Mayor to Execute the Application and Any and All Other Documents (AF: 204-2013).**

Motion/Second: McIntire/Shupe, to pass:

**Resolution No. 2014-023,** A RESOLUTION APPLYING FOR THE STATE INDUSTRIAL ACCESS PROGRAM WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE APPLICATION

Passed: All present voting "aye."

**7. Consideration of a Resolution Approving an Agreement/Memorandum of Understanding with the Jacobs Job Corps Civilian Conservation Center (AF: 205-2013).**

Motion/Second: Segelhorst/Shupe, to pass:

**Resolution No. 2014-024,** A RESOLUTION APPROVING AN AGREEMENT/MEMORANDUM OF UNDERSTANDING WITH JACOBS CREEK JOB CORPS CIVILIAN CONSERVATION CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

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**8. Consideration of a Resolution Authorizing the Mayor to Execute an Interlocal Cooperation Agreement with the Emergency Communications District of the City (AF: 211-2013).**

Motion/Second: Segelhorst/Clark, to pass:

**Resolution No. 2014-025**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE EMERGENCY COMMUNICATIONS DISTRICT OF THE CITY OF KINGSPORT AND THE CITY OF KINGSPORT AND RATIFYING ALL ACTS FROM JULY 1, 2012 CONSISTENT WITH THE AGREEMENT

Passed: All present voting "aye."

**9. Consideration of a Resolution Approving a License Agreement with SESAC (AF: 207-2013).** City Attorney Billingsley provided information on this item, noting this agreement was one of three.

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2014-026**, A RESOLUTION APPROVING A LICENSE AGREEMENT WITH SOCIETY OF EUROPEAN STAGE AUTHORS AND COMPOSERS, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**10. Consideration of a Resolution Approving the Construction and Joint Use of Call Taking and Dispatching Facility with the Emergency Communications District of Kingsport (AF: 197-2013).** City Manager Campbell noted this item was added to the agenda after the work session yesterday as the 911 Board is pursuing a new facility.

Motion/Second: Shupe/McIntire, to pass:

**Resolution No. 2014-027**, A RESOLUTION APPROVING THE CONSTRUCTION AND JOINT USE OF A CALL TAKING AND DISPATCHING FACILITY WITH THE EMERGENCY COMMUNICATIONS DISTRICT OF THE CITY OF KINGSPORT

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.**

**Appointments/Reappointments are considered under one motion.**

Motion/Second: Shupe/Clark, to approve:

**1. Consideration of Appointments to the Regional Planning Commission (AF: 210-2013).**

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Approve:

APPOINTMENTS OF MR. JOHN MOODY AND MS. BEVERLY PERDUE TO SERVE ON THE **REGIONAL PLANNING COMMISSION**. MR. MOODY WILL BE REPLACING COLETTE GEORGE AND HIS APPOINTMENT WILL BE EFFECTIVE IMMEDIATELY AND WILL EXPIRE ON 6/30/16. MS. PERDUE'S APPOINTMENT WILL BE EFFECTIVE IMMEDIATELY AND EXPIRE 7/23/17.

Passed: All present voting "aye" except George "abstained."

**2. Consideration of Appointment to the Gateway Review Commission (AF: 212-2013).**

Approve:

APPOINTMENT OF MR. GEORGE COLEMAN TO SERVE ON THE **GATEWAY REVIEW COMMISSION** TO REPLACE HEATHER COOK WHO HAS BEEN APPOINTED TO THE PLANNING COMMISSION. HIS APPOINTMENT WILL BE EFFECTIVE IMMEDIATELY AND WILL EXPIRE 8/30/15.

Passed: All present voting "aye."

**VII. CONSENT AGENDA. *(These items are considered under one motion.)***

Motion/Second: Segelhorst/Parham, to adopt:

**1. Consideration of an Ordinance to Appropriate the Funds to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 4 Development (AF: 192-2013).**

Adopt:

**Ordinance No. 6337**, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 4 MATERIALS AGREEMENT PROJECTS (WA1379 AND SW1379); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell thanked the employees for the extra hours worked during Funfest and also the added load for emergency response during the storm.

**B. MAYOR AND BOARD MEMBERS.** Alderman George commended the City, the Chamber and sponsors for a wonderful Funfest event. Ms. George also stated the last fundraiser for the carousel was underway and tickets could be purchased at Blue Ridge Properties for the first ride on the carousel.

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Alderman Segelhorst commented he has heard people feel safe coming to Funfest and other Kingsport events. He encouraged people to come see the Kingsport Mets play. Mr. Segelhorst also commented on the flooding from the storm, noting ways to donate and who victims should contact for assistance.

Alderman Shupe pointed out the great community spirit after the flood and applauded staff.

Alderman Clark commented on the positive financial benefit that Funfest provides to Kingsport and talked about the many health initiatives in the city, encouraging citizens to participate.

Alderman Parham commented favorably on Funfest. He also discussed ways victims of the flood event could receive help. Mr. Parham remarked on a recent editorial and clarified the role of the BMA, noting they were all unified in purpose to improve the city.

Vice-Mayor McIntire thanked the city employees and volunteers regarding Funfest.

Mayor Phillips asked the city manager and the city attorney to find a way for the city to donate money that would aid flood victims. He also thanked everyone who helped out.

- C. VISITORS.** Ms. Mary McNabb commented on the flood. Ms. Barbara Brown commented on a newspaper article. Ms. Julana McClellan commented on a Funfest event.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:10 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor